

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Lechevin, et. al.
Appl. No.	: 10/031,274
Filed	: June 11, 2002
For	: METHOD FOR MEASURING THE SPEED OF A RAIL VEHICLE AND INSTALLATION THEREFOR
Examiner	: Mark T. Le
Group Art Unit	: 3617

DECLARATION OF LANI K. WIMBUSH

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Lani K. Wimbush, Supervisor of U.S. Docketing for Knobbe, Martens, Olson & Bear, LLP (the "Firm"), hereby declare under oath the following:

I have worked for the Firm for twenty-two years, 16 years as Supervisor of U.S. Docketing and am thus familiar with the Firm's procedures for processing and docketing correspondence from the U.S. Patent and Trademark Office ("the USPTO").

Standard docketing procedure dictates upon receipt of correspondence from the USPTO, correspondence is scanned through a software program, using the application number which auto-generates an email to the attorney and his or her assistant as well as placing a copy of the correspondence in the applicable work space, thus creating a docketing log. We have reviewed all correspondences and have determined we did not receive the Notice Under 37 CFR 1.251 for this application.

Attached hereto as Exhibit A is a copy of the docketing record for the above-identified application as of November 17, 2009. No response dates deriving from a March 21, 2008

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mailing date appear on this docket. Furthermore, no response dates associated with a Notice Under 37 CFR 1.251 appear on the record.

In addition, the Firm maintains a log of all documents received by mail or e-mail. I have reviewed the Firm's logs for all correspondence occurring between March 21, 2008 and November 17, 2009, and I have not found any correspondence, either by mail or by e-mail, that relates the Notice Under 37 CFR 1.251 for U.S. Patent Application No. 10/031,274.

Attached as Exhibit B is a copy of the docketing correspondence the Firm received by mail with a base date of March 21, 2008. This log does not show receipt of the Notice Under 37 CFR 1.251 for this application.

Thus, the Firm's records indicate that there is no record of receipt of the communication from the USPTO.

I hereby declare that all statements made herein of my own knowledge are true, and all statements made on information and belief herein are believed to be true and are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statement may jeopardize the validity of this application or any granting of the application resulting there from.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated:

November 20, 2009

By:

Lani K. Wimbush

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